

4: CV 00-123

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District <u>Middle District of Pennsylvania</u>	
Name <u>Craig A. West</u>	Prisoner No. <u>BM-5927</u>	Case No. <u>2283 CD1990</u>	
Place of Confinement <u>State Correctional Institution at Albion</u> <u>10745, Route 18</u> <u>Albion, PA 16475-0002</u>			
Name of Petitioner (include name under which convicted) <u>Craig A. West</u>		Name of Respondent (authorized person having custody of petitioner) <u>Edward T. Bresnahan</u>	
The Attorney General of the State of: <u>Pennsylvania</u>		FILED SCRANTON JUL 10 2000	
PETITION PER <u>4</u> DEPUTY CLERK			
1. Name and location of court which entered the judgment of conviction under attack, <u>Dauphin County</u> <u>Court of Common Pleas, Harrisburg, PA.</u>			
2. Date of judgment of conviction <u>April 22, 1991</u>			
3. Length of sentence <u>10 years to 20 years</u>			
4. Nature of offense involved (all counts) <u>Rape - One (1) Count, Involuntary</u> <u>Deviate Sexual Intercourse - One (1) Count. Found not Guilty</u> <u>for Kidnapping - One (1) Count.</u>			
5. What was your plea? (Check one)			
(a) Not guilty <input checked="" type="checkbox"/>			
(b) Guilty <input type="checkbox"/>			
(c) Nolo contendere <input type="checkbox"/>			
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:			
6. If you pleaded not guilty, what kind of trial did you have? (Check one)			
(a) Jury <input checked="" type="checkbox"/>			
(b) Judge only <input type="checkbox"/>			
7. Did you testify at the trial? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
8. Did you appeal from the judgment of conviction? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

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- (4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result Denied

(6) Date of result August 7, 1998

- (b) As to any second petition, application or motion give the same information:

(1) Name of court Superior Court of PA.

(2) Nature of proceeding Motion for Post Conviction Collateral Relief

(3) Grounds raised Ineffective Assistance of Counsel, Honorable
Courts Abuse of Authority.

- (4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result Denied

(6) Date of result July 28, 1999

- (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☒ No ☐

- (d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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C. Ground three: Denial of Right to Appeal.

Supporting FACTS (state *briefly* without citing cases or law): - Defense Counsel refused
to file a motion for modification of sentence. Counsel also
refused to appeal the sentence to the Superior Court.

D. Ground four

Supporting FACTS (state *briefly* without citing cases or law):

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: Honorable Courts
Abuse of Authority. An additional count of each Rape and IDSI
has been added to my sentence (Count 2 - Rape and IDSI, and
Count 3 - Rape and IDSI again), only just discovered at my Parole,
Hearing and a factor of my denial of parole.
14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
 Yes ☐ No ☒
15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
- (a) At preliminary hearing Thomas Thornton, Dauphin County Public Defender's
office.
- (b) At arraignment and plea Thomas Thornton, Dauphin County Public Defender's
Office.

Supporting Facts Continued

Ground One: Denial of effect assistance of counsel.

stating, "defendant was under investigation for other non-related crimes." Counsel ineffective for not objecting to District Attorney statement in his closing, "Why would a women with everything want to be with a manlike you who has nothing." Counsel ineffective for not motioning the Judge to recues himself after stating, "I have a more vested interest than anybody." Counsel ineffective for telling me that I had to take the stand in the middle of trial, after he knew that Judge morgan had held secondsuppression hearing so that he could use statement to impeach my testamony. Counsel ineffective for not calling me to the stand during suppression hearings so that I could challenge the evidence against me. Counsel ineffective for not informing me of the right to poll jury, after such adverse verdicts were returned in view of instructions given. Counsel ineffective for failing to request instructions of failure to make prompt complaint and/or failing to object to the trial courts jury instructions.

Ground two: Honorable Courts Abue of Authority.

Judge Morgan was bias or prejudiced for using my Race against me throughout the trial, especially in view of there being no Native Americans seated on the jury. Judge erred in that the reasons stated for sentence were not adaquate to support his sentence. Judge erred when presenting my charges on court committment papers, so that an extra charge each of Rape and invountary Deviate sexual Intercourse was added to my sentence, without benefit of trial or conviction.

United States District Court

MIDDEE

DISTRICT OF

PENNSYLVANIA

Craig A. West

v.

Edward T. Brennan

APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

CASE NUMBER:

I, Craig A. West, declare that I am the (check appropriate box)☒ petitioner/plaintiff☐ movant (filing 28 U.S.C. 2255 motion)☐ respondent/defendant☐ _____

other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

Denial of Effective Assistance of Counsel
Honorable Court's Abuse of Authority
Denial of Right to Appeal

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes ☒ No ☐

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

I work as an Imate Clerk at SCI-Albion, for \$.42 an hour. I have a monthly salary of \$67.20

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment

Yes ☐ No ☒

b. Rent payments, interest or dividends?

Yes ☐ No ☒

c. Pensions, annuities or life insurance payments?

Yes ☐ No ☒

d. Gifts or inheritances?

Yes ☒ No ☐

e. Any other sources?

Yes ☐ No ☒

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 12:31

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 5/31/2000
PAGE 1

INMATE NAME		FIRST MI		STARTING BALANCE
NUMBER	LAST			
BM5927	WEST	CRAIG	A	10.79

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
15	10-07-1999	10 MAINTENANCE PAYROLL 9/5-10/2/99 PAY GROUP 4	60.80	71.59
8281	10-08-1999	32 ALB COMMISSARY FOR 10/08/1999	-10.69	60.90
98	10-14-1999	31 OUTSIDE PURCHASES RELIANCE COLOR LABS, INC.	-12.50	48.40
8288	10-15-1999	32 ALB COMMISSARY FOR 10/15/1999	-9.62	38.78
115	10-18-1999	37 POSTAGE	-.77	38.01
8294	10-21-1999	32 ALB COMMISSARY FOR 10/21/1999	-5.77	32.24
8294	10-21-1999	34 ALB CABLE TV FOR 10/22/1999	-10.25	21.99
197	10-25-1999	36 PRINTED MATERIALS INDIAN COUNTRY COMMUNICATIONS	-11.95	10.04
212	10-26-1999	37 POSTAGE	-1.80	8.24
212	10-26-1999	37 POSTAGE	-.77	7.47
8301	10-28-1999	32 ALB COMMISSARY FOR 10/28/1999	-7.28	.19
318	11-05-1999	10 MAINTENANCE PAYROLL 10/3-10/30/99 PAY GROUP 4	60.80	60.99
8317	11-13-1999	32 ALB COMMISSARY FOR 11/13/1999	-17.12	43.87
8322	11-18-1999	32 ALB COMMISSARY FOR 11/18/1999	-13.05	30.82
8322	11-18-1999	34 ALB CABLE TV FOR 11/18/1999	-10.25	20.57
498	11-23-1999	37 POSTAGE	-.55	20.02
8330	11-26-1999	32 ALB COMMISSARY FOR 11/26/1999	-12.34	7.68
546	11-30-1999	38 INSIDE PURCHASES VENDA CARD	-5.00	2.68
8337	12-03-1999	32 ALB COMMISSARY FOR 12/03/1999	-2.66	.02
650	12-09-1999	10 MAINTENANCE PAYROLL 10/31/99-12/04/99 PAY GROUP 4	76.00	76.02
663	12-10-1999	13 PERSONAL GIFT FROM TABOR, TOMMIE E474729	10.00	86.02
704	12-14-1999	37 POSTAGE	-.77	85.25

700	12-14-1999	13	PERSONAL GIFT FROM GAITHER, JOHN	E469307	25.00	110.25
710	12-15-1999	13	PERSONAL GIFT FROM METEYE, MARY	E634053	25.00	135.25
719	12-15-1999	37	POSTAGE		-.77	134.48
719	12-15-1999	37	POSTAGE		-.77	133.71
719	12-15-1999	37	POSTAGE		-2.20	131.51
719	12-15-1999	37	POSTAGE		-1.21	130.30
728	12-15-1999	31	OUTSIDE PURCHASES ACCESS		-22.00	108.30
8350	12-16-1999	32	ALB COMMISSARY FOR 12/16/1999		-30.31	77.99
8350	12-16-1999	34	ALB CABLE TV FOR 12/16/1999		-10.25	67.74
8357	12-23-1999	32	ALB COMMISSARY FOR 12/23/1999		-18.44	49.30
8364	12-30-1999	32	ALB COMMISSARY FOR 12/30/1999		-11.13	38.17
909	01-04-2000	38	INSIDE PURCHASES VENDA CARD		-5.00	33.17
931	01-05-2000	37	POSTAGE		-.77	32.40
955	01-07-2000	10	MAINTENANCE PAYROLL 12/5/99-1/1/00	PAY GROUP 4	60.80	93.20
8007	01-07-2000	32	ALB COMMISSARY FOR 1/07/2000		-14.30	78.90
8013	01-13-2000	32	ALB COMMISSARY FOR 1/13/2000		-18.85	60.05
8021	01-21-2000	32	ALB COMMISSARY FOR 1/21/2000		-10.05	50.00
1099	01-24-2000	37	POSTAGE		-.55	49.45
8025	01-25-2000	34	ALB CABLE TV FOR 1/25/2000		-10.25	39.20
8027	01-27-2000	32	ALB COMMISSARY FOR 1/27/2000		-16.66	22.54
1188	01-31-2000	38	INSIDE PURCHASES VENDA CARD		-5.00	17.54
1247	02-03-2000	10	MAINTENANCE PAYROLL 1/2-1/29/00	PAY GROUP 4	53.20	70.74
8034	02-03-2000	32	ALB COMMISSARY FOR 2/03/2000		-11.89	58.85
1300	02-08-2000	37	POSTAGE		-.55	58.30
1300	02-08-2000	37	POSTAGE		-.55	57.75
1300	02-08-2000	37	POSTAGE		-.55	57.20
1300	02-08-2000	37	POSTAGE		-.55	56.65
8041	02-10-2000	32	ALB COMMISSARY FOR 2/10/2000		-10.59	46.06
1396	02-15-2000	37	POSTAGE		-.55	45.51
8048	02-17-2000	32	ALB COMMISSARY FOR 2/17/2000		-12.86	32.65
8056	02-25-2000	32	ALB COMMISSARY FOR 2/25/2000		-12.25	20.40
8060	02-29-2000	34	ALB CABLE TV FOR 3/01/2000		-10.25	10.15
1635	03-06-2000	44	ORGANIZATIONAL C.E.O. NW LITTLE GRIDERS		-6.25	3.90

1685	03-09-2000	10	MAINTENANCE PAYROLL 1/30-3/4/2000	PAY GROUP 4	66.50	70.40
8069	03-09-2000	32	ALB COMMISSARY FOR 3/09/2000		-3.81	66.59
8076	03-16-2000	32	ALB COMMISSARY FOR 3/16/2000		-24.73	41.86
1797	03-20-2000	38	INSIDE PURCHASES VENDA CARD		-5.00	36.86
8088	03-28-2000	34	ALB CABLE TV FOR 3/28/2000		-10.25	26.61
8090	03-30-2000	32	ALB COMMISSARY FOR 3/30/2000		-18.74	7.87
8097	04-06-2000	32	ALB COMMISSARY FOR 4/06/2000		-7.37	.50
2021	04-07-2000	10	MAINTENANCE PAYROLL 3/5-4/1/00	PAY GROUP 4	53.20	53.70
2055	04-10-2000	44	ORGANIZATIONAL C.E.O. ICE CREAM		-2.75	50.95
2057	04-11-2000	37	POSTAGE		-.55	50.40
8104	04-13-2000	32	ALB COMMISSARY FOR 4/14/2000		-16.01	34.39
2147	04-18-2000	37	POSTAGE		-.55	33.84
2183	04-20-2000	38	INSIDE PURCHASES VENDA CARD		-5.00	28.84
8111	04-20-2000	32	ALB COMMISSARY FOR 4/20/2000		-5.76	23.08
8116	04-25-2000	34	ALB CABLE TV FOR 4/25/2000		-10.25	12.83
8118	04-27-2000	32	ALB COMMISSARY FOR 4/27/2000		-9.58	3.25
2352	05-05-2000	10	MAINTENANCE PAYROLL 4/2-4/29/00	PAY GROUP 4	67.20	70.45
8126	05-05-2000	32	ALB COMMISSARY FOR 5/08/2000		-3.16	67.29
2417	05-10-2000	44	ORGANIZATIONAL C.E.O. ICE CREAM		-5.50	61.79
2434	05-11-2000	37	POSTAGE		-.77	61.02
8133	05-12-2000	32	ALB COMMISSARY FOR 5/13/2000		-17.74	43.28
8139	05-18-2000	32	ALB COMMISSARY FOR 5/18/2000		-13.29	29.99
2538	05-19-2000	37	POSTAGE		-2.31	27.68
2538	05-19-2000	37	POSTAGE		-2.31	25.37
2549	05-22-2000	38	INSIDE PURCHASES VENDA CARD		-5.00	20.37
8146	05-25-2000	32	ALB COMMISSARY FOR 5/25/2000		-9.04	11.33
8151	05-30-2000	34	ALB CABLE TV FOR 5/30/2000		-10.25	1.08

BALANCE AFTER THESE TRANSACTIONS-----> 1.08